



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

20 October 2022

Licensing Ref No:

22/07929/LIPN - New Premises Licence

Title of Report:

Lucore  
44 Bruton Place  
London  
W1J 6PB

Report of:

Director of Public Protection and Licensing

Wards involved:

West End

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott  
Senior Licensing Officer

Contact details

Telephone: 0207 641 6500  
Email: [kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 August 2022		
<b>Applicant:</b>	Lucore Limited		
<b>Premises:</b>	Lucore		
<b>Premises address:</b>	44 Bruton Place London W1J 6PB	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the applicant proposes to operate the premises as restaurant and cookery school.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	The applicant has proposed conditions which can be found in <b>Appendix 5</b> of the report.		
<b>Applicant amendments:</b>	During the consultation the applicant has withdrawn 'Off Sales'.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately before bank holiday Mondays 23:00 – 00:30					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately before bank holiday Mondays 08:30 – 00:30					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:30	08:30	08:30	08:30	08:30	08:30	08:30
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately before bank holiday Mondays 08:30 – 00:30						
<b>Adult Entertainment:</b>	None						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	13 September 2022
I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.	

2-B Other Persons	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	13 September 2022
<p><b>LICENSING APPLICATION 22/07929/LIPN – 44 BRUTON PLACE, LONDON, W1J 6PB</b></p> <p>We write on behalf of ██████████ who is the owner ██████████, to submit a vehement objection to the licensing application reference 22/07929/LIPN, which proposes the sale of alcohol and late-night refreshments at 44 Bruton Place. ██████████ has appointed PowerHaus Consultancy to represent his views in writing. This written statement therefore provides an assessment of the issues arising from the licensing application and requests that the Council refuses the application.</p> <p>A Certificate of Lawfulness was recently granted (06/04/2022) application reference 22/00990/CLOPUD for the use of part ground floor and rear courtyard as a research and development kitchen within Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The decision notice states that “<i>in determining this Certificate of Lawfulness consideration has only been given to the proposed use of the ground floor premises as a ‘research and development kitchen’ and no assessment has been made with regard [to] cookery classes taking place at the premises</i>”. If a use is operated, which is materially different from that described, such as a restaurant or cookery school, the owner or occupier may be liable for enforcement action. For your information, the decision notice is attached at <b>Appendix 1</b>.</p> <p>Paragraph 14.64 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) states “<i>The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in Chapter 9, licensing committees and officers</i></p>	

*should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs".* It is acknowledged that planning and licensing regimes are separate and it is for the occupier to ensure they operate within both their planning and licensing authorisations. However, it would be perverse if the operator gained a license that was not authorised in planning terms. We therefore encourage a discussion with the planning department to ensure an authorised planning consent has been obtained.

This representation will now consider the licencing application as if an authorised consent has been obtained.

The licensing application proposes the sale of alcohol Monday to Thursday between the hours 09:00 to 23:30, Friday to Saturday between the hours 09:00 and 00:00 and Sunday between the hours 09:00 to 22:30. The licensing application also requests the sale of late-night refreshments Monday to Thursday between the hours 23:00 to 23:30 and Friday to Saturday between the hours 23:00 to 00:00. Section O of the licensing application form states that the hours the premises are open to the public are Monday to Thursday 08:30 to 23:30, Friday to Saturday 08:030 to 00:00 and Sunday 08:30 to 22:30.

Bruton Place retains its scale as a quiet mews street with 30 similar character buildings comprised of residential, office and retail uses. The availability of alcohol at the premises would add to the availability of alcohol in an area where there are already a number of licensed premises. The existing bars and restaurants are often in conflict with customers who spill onto the street, with those that live or work on the street. Allowing an alcohol license at this premise would have a cumulative impact on neighbouring residents, contrary to the licensing objectives set out under Section 182 of the Licensing Act 2003.

The ground floor premise at 44 Bruton Place was previously in use as an Art Gallery, this application is for the sale of alcohol on site and late-night refreshments, which will therefore very much alter the activity taking place within the unit. The proposal will materially affect the neighbouring properties residential amenity due to the effects of people coming and going to the property on a daily basis. In addition, smokers will have no choice but to smoke on the street (there is no pavement outside the unit) and noise levels will significantly increase. The proposal will therefore significantly impact the quiet enjoyment of neighbouring residential properties. Condition 3 of the proposed conditions states that the premise shall not provide any takeaway service of food or drink for immediate consumption off the premise. However, Conditions 8 and 9 indicate that there will be opportunities for takeaway alcohol sales:

*"Condition 8: There shall be no sales of alcohol or late night refreshment for consumption off the premises after (23:00) hours".*

*"Condition 9: All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises."*

A licensed restaurant bar with the option of takeaway alcohol will materially impact neighbouring residents by the noise of customers, from orders being picked up and take away (motorbikes, scooters and cars). These will all be materially harmful impacts on residents who live in a Mews Street, which will be intensified with licensed takeaway alcohol sales. It is therefore requested that despite this objection, if the licence committee approve the application, an appropriate condition is imposed preventing the sale of takeaway alcohol sales and limiting the consumption of alcohol to the confines of the premise.

Furthermore, it is noted that the applicant proposes a condition that restricts loudspeakers not to be located in the entrance and exit of the premises or outside the building. While the applicants condition is welcomed in principle, it is requested that an appropriate condition is imposed restricting the hours music can be played to no later than 22:00 hours. The neighbouring residents have private amenity courtyards and balconies which are highly valued. It is considered that neighbouring residential amenity could be significantly impacted by the late night playing of music. By restricting the playing of music to no later than 22:00 will significantly limited the impacts on neighbouring residential amenity.

For these reasons, it is considered that the sale of alcohol and late-night refreshments at the premise would be inappropriate and unacceptable for 44 Bruton Place due to the significant impact on residents amenity, the cumulative impact on the area and potential impacts that would arise from a restaurant should the business morph into such a use. The Council is therefore asked to refuse the licence application in order to protect existing local residents

amenity. This is not a town centre location but a mixed-use mews where the finely balanced mix of businesses and residents must be considered and weighed in the balance. Alongside the existing licenced premises, no 46 Bruton Place and 38 Bruton Place have both recently been granted a licence and this will tip the balance from a mixed residential mews to a commercial licenced trade location with unacceptable impacts on existing residents.

**Representation 1 has submitted additional documents which can be found at Appendix 3**

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	5 September 2022

Something is wrong with the usual system so on behalf of RSMSJ I would like to object to the above application on the grounds of potential for public nuisance.

There are three areas of concern :-

1. No maximum capacity has been set.
2. We would wish to see a condition not allowing glass containers/drinks to be taken outside when eg smoking or making a phone call.
3. Most important however relates to private parties. More information is needed as to expected frequency of events, numbers invited and nature of events.

If a satisfactory understanding can be reached on these issues then we would be willing to drop the objection.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	6 September 2022

We've already made plenty of allowance for the new openings, and the café LALI across from these premises agreed to stop serving drinks at 9.30pm so that the street could stay livable. There has been way too much change way too fast, and with a street this narrow we can hear every word.

Good luck with your business, but it's a hard NO on the alcohol consumption. I gently object to even more traffic where we live. We deal with enough, including chronic construction.

**Further Submissions on 13<sup>th</sup> September 2022**

On prevention of public nuisance

The existing pub represents a reasonable limit of activity and drunkenness for a street like this with plenty of longstanding residents. To increase the traffic and frenzy makes the street less livable, and in a way I'm surprised the neighbours weren't actively consulted about a change to the retail offerings this robust. The café LALI across from these premises agreed to stop serving drinks at 9.30pm so that the street could stay livable. There has been way too much change way too fast, and with a street this narrow we can hear every word as people issue forth from these buildings at hours we are needing sleep.

On protection of children from harm

Children live on Bruton Place, including a few doors down from 44 Bruton Place, and a place selling drinks this far down the street leaves no unadulterated path for them to get home. The way a licenced place, operating late, changes the tenor of the street is not favourable.

I wish the purveyors of this business luck, but I wish against late-night licensing.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

#### **Policy HRS1 applies**

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into

	<p>account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to 12am.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the</li> </ol>

	premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Representation 1 Additional Submissions
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk



**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	13 September 2022
<b>5</b>	Representation 1	13 September 2022
<b>6</b>	Representation 2	5 September 2022
<b>7</b>	Representation 3	6 September 2022



**Applicant Supporting Documents**

**Appendix 2**

None

**Appendix 1: Application Reference 22/00990/CLOPUD Decision Notice**

Your ref: 44 Bruton Place - CLOPUD  
My ref: 22/00990/CLOPUD

Please reply to:  
Tel No:

Matthew Giles  
07866040155

Development Planning  
Westminster City Council  
PO Box 732  
Redhill, RH1 9FL

6 April 2022

Dear Sir/Madam

SCHEDULE 4

TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192 (AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991)  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995  
ARTICLE 24  
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Westminster City Council HEREBY CERTIFY that on 16.02.2022 the use or works described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged/hatched/coloured in red on the plan attached to this certificate was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s) detailed on the following page:-

<b>Application No:</b>	22/00990/CLOPUD	<b>Application Date:</b>	
<b>Date Received:</b>	16.02.2022	<b>Date Amended:</b>	15.03.2022
<b>Plan Nos:</b>	Drawing: AP-200 Rev PI-1		
<b>First Schedule:</b>	Use of part ground floor and rear courtyard as a research and development kitchen within Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 (as amended).		
<b>Second Schedule:</b>	44 Bruton Place, London, W1J 6PB,		



Deirdra Armsby  
Director of Place Shaping and Town Planning

Note - As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk) to arrange a preliminary discussion.

**Reason(s):**

- 1 The City Council agrees that, on the balance of probability, the existing use of the property is as retail within Class E (Commercial, Business and Service) of the 1987 Use Classes Order as amended 1 September 2020. Consequently, the proposed use of the premises as a research and development kitchen within Class E of the 1987 Use Classes Order (as amended) would not constitute development as defined in section 55 of the Town and Country Planning Act 1990 and would not require planning permission.

**Informative(s):**

- 1 Please note in determining this Certificate of Lawfulness consideration has only been given to the proposed use of the ground floor premises as a 'research and development kitchen' and no assessment has been made with regard to cookery classes taking place at the premises.

**NOTES**

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use or works specified in the First Schedule for the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable for enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the proposal described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any proposed proposal which is materially different from that described or which relates to other land may render the owner or occupier liable for enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Plan:



**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



## **Premises History**

## **Appendix 4**

There is no licence or appeal history for the premises.



**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions consistent with the operating schedule

9.
  - a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The primary use of the premises is as a test kitchen and cookery school. The licensable activities authorised by this licence shall be ancillary to that use.
12. With the exception of those attending pre-booked private function or a cooking demonstration, the premises shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
13. A list of private events shall be kept at the premises for 31 days and made available to the authorities on request.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder

- d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system, searching equipment or scanning equipment
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  16. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
  17. There shall be no late night refreshment for consumption off the premises after 23.00 hours.
  18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
  21. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
  22. No deliveries to the premises shall take place between (22.00) and (08.00) hours on the following day.
  23. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
  24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
  25. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 20 persons
  26. The rear external area shall not be used after 23:00.
  27. No drinks shall be taken onto the public highway.

**Conditions proposed by the Environmental Health**

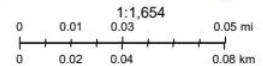
None

**44 Bruton Place, London**



06/10/2022, 11:08:43

- Property Mailing List
- Ward Labels
- ★ Public Houses
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries
- Stress Areas



**Resident Count = 104**

<b>Licensed premises within 75 metres of 44 Bruton Place, London</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
21/12229/LIPN	Not Recorded	Ground Floor Flat 46 Bruton Place London W1J 6PD	Wine bar	Sunday; 10:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00
21/11580/LIPN	Tila Bruton Deli	38 Bruton Place London W1J 6NX	Food store	Sunday; 09:00 - 21:00   Monday to Saturday; 08:00 - 21:00
22/04423/LIPN	Lali	Ground Floor 33 Bruton Place London W1J 6NN	Cafe	Monday to Sunday; 08:00 - 23:00
21/01825/LIPN	Tila London	27 Bruton Place London W1J 6NQ	Restaurant	Sunday; 08:00 - 23:00   Monday to Saturday; 08:00 - 00:00
22/04293/LIPCH	Guinea Express	23 Bruton Place London W1J	Restaurant	Sunday; 12:00 - 22:30   Monday to

		6ND		Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
16/04087/LIPDPS	Guinea	30 Bruton Place London W1J 6NL	Public house or pub restaurant	Sunday; 08:00 - 00:00   Sunday; 10:00 - 23:30   Monday to Saturday; 08:00 - 01:00   Monday to Saturday; 10:00 - 00:00
19/03055/LIPDPS	Not Recorded	Ground Floor 26 Bruton Place London W1J 6NG	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30